

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

<b>UNITED STATES OF AMERICA</b>	)	Criminal No.	5:18-CR- 366 (TJM)
	)		
<b>v.</b>	)	<b>Indictment</b>	
	)		
<b>MICHAEL COZZENS,</b>	)	Violations:	21 U.S.C. §§ 841(a)(1),
	)		(b)(1)(B), and 846
	)		[Conspiracy to Possess with
	)		Intent to Distribute and to
	)		Distribute a Controlled
	)		Substance]
	)		
	)		21 U.S.C. §§ 841(a)(1),
	)		(b)(1)(C)
	)		[Possession with Intent to
	)		Distribute a Controlled
	)		Substance]
	)		
	)		18 U.S.C. § 924(c)(1)(A)
	)		[Possession of a Firearm in
	)		Furtherance of a Drug
	)		Trafficking Crime]
	)		
	)		18 U.S.C. § 922(j)
	)		[Possession of a Stolen
	)		Firearm]
	)		
	)		
	)	4 Counts & Forfeiture Allegation	
	)		
<b>Defendant.</b>	)	County of Offense:	Onondaga

**THE GRAND JURY CHARGES:**

**COUNT 1**

**[Conspiracy to Possess with Intent to Distribute and to Distribute a Controlled Substance]**

From in or about January 2017, through on or about April 20, 2018, in Onondaga County,  
in the Northern District of New York, and elsewhere, the defendant,

**MICHAEL COZZENS,**

conspired with others to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. That violation involved 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B).

**COUNT 2**

**[Possession with Intent to Distribute and to Distribute a Controlled Substance]**

On or about April 20, 2018, in Onondaga County, in the Northern District of New York, and elsewhere, the defendant,

**MICHAEL COZZENS,**

knowingly and intentionally possessed with intent to distribute a controlled substance in violation of Title 21, United States Code, Section 841(a)(1). That violation involved cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(C).

**COUNT 3**

**[Possession of a Firearm in Furtherance of a Drug Trafficking Crime]**

On or about April 20, 2018, in Onondaga County in the Northern District of New York, the defendant,

**MICHAEL COZZENS,**

in furtherance of one or more drug trafficking crimes for which he may be prosecuted in a court in the United States, that is: a) conspiracy to possess with the intent to distribute and to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 846; and b) possession with the intent to distribute a controlled substance, in violation of Title 21, United

States Code, Section 841(a)(1), knowingly possessed the following firearm: a .40 caliber Smith and Wesson handgun, serial number HDZ-4741, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

**COUNT 4**  
**[Possession of a Stolen Firearm]**

On or about April 20, 2018, in Onondaga County in the Northern District of New York,  
the defendant,

**MICHAEL COZZENS,**

knowingly possessed a stolen firearm which had been shipped and transported in interstate commerce before it was stolen, knowing and having reasonable cause to believe that the firearm was stolen, that is a .40 caliber Smith and Wesson handgun, serial number HDZ-4741, in violation of Title 18, United States Code, Section 922(j).

**FORFEITURE ALLEGATION**

**FIRST FORFEITURE ALLEGATION**

1. The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference herein for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. Upon conviction of the offenses in violation of Title 21, United States Code, Section 841(a)(1) and Title 21, United States Code, Section 846, set forth in Count One of this Indictment, the defendant, **MICHAEL COZZENS**, shall forfeit to the United States of America, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense, and any property used,

or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense. The property to be forfeited includes, but is not limited to, the following:

- c. A money judgment in the amount of no less than \$85,000, representing the unrecovered proceeds obtained by the defendant.

### **SECOND FORFEITURE ALLEGATION**

3. The allegations contained in Counts Three and Four of this Indictment are hereby realleged and incorporated by reference herein for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c).

4. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 922(j) and Title 18, United States Code, Section 924(c)(1)(A) set forth in Counts Three and Four of this Indictment, the defendant, **MICHAEL COZZENS**, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the knowing commission of the offenses, including, but not limited to, the following:

- a. One Smith and Wesson M&P, .40 caliber shield handgun, with serial number HDZ-4741.
- b. 7 Rounds of .40 caliber ammunition.

### **Substitute Assets**

5. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

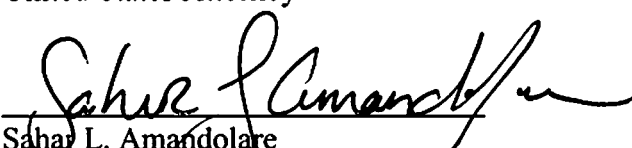
Dated: October 31, 2018

A TRUE BILL, \*\*NAME REDACTED

  
Grand Jury Foreperson

GRANT C. JAQUITH  
United States Attorney

By:

  
Sahar L. Amandolare  
Assistant United States Attorney  
Bar Roll No. 520259